

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following remarks. The claims have been amended to more particularly describe the invention. No new matter has been added as a result of these amendments.

Rejections under 35 U.S.C. §112

Applicants respectfully traverse the Examiner's rejection of claim 48 under 35 U.S.C. §112, second paragraph as indefinite. Claim 48 has been amended appropriately, thereby rendering the rejection moot. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 3 under 35 U.S.C. §112, first paragraph for enablement. In order to expedite prosecution, claim 3 has been canceled, thereby rendering the rejection moot. Applicants do not concede that the rejection was proper. Favorable reconsideration is respectfully requested.

Rejection under 35 U.S.C. §101

Applicants respectfully traverse the Examiner's rejection of claim 48 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 48 has been amended appropriately, thereby rendering the rejection moot. Favorable reconsideration is respectfully requested.

Rejection under 35 U.S.C. §102

Applicants respectfully traverse the Examiner's rejection of claims 1-5, 8, 12, 14 and 16-17 under 35 U.S.C. §102(e) as anticipated by Song (WO 2005/016399). In order to anticipate, the cited reference must disclose each and every claimed element. Song fails to do so, especially with respect to the amended claims.

In particular, claim 1 as amended now recites, among other elements and features, a step of isothermally drying the device while the device remains in the solution held within the container. In other words, the device remains in contact with the coating solution while isothermal drying begins. Song as well as the cited references do not suggest this feature.

Indeed, the claimed invention is different from a dip coating process in which the structure to be coated is dipped into or otherwise coated with a solution, and is removed from the

source of the solution. While the Examiner may be correct that a small amount of solution may remain in contact with the structure during a drying process, it is clear that in a dip coating process such as that apparently used by Song, the structure to be coated does not remain in the container that holds the coating solution.

This is illustrated, for example, at pages 13 and 14 of Song, in which a stent is coated in a coating solution and then is subsequently dried in an oven. Clearly, Song does not describe a step of isothermally drying the device while the device remains in the solution held within the container. This is a claimed feature expressly absent from the cited reference. Favorable reconsideration is respectfully requested.

Rejections under 35 U.S.C. §103

Applicants respectfully traverse the Examiner's rejection of claims 1-5, 8, 11-12, 14 and 16-18 under 35 U.S.C. §103(a) as unpatentable over Song (WO 2005/016399) in view of [www.science.unitn.it~gcsrnfo/facilities/dip-coating.htm](http://www.science.unitn.it/~gcsrnfo/facilities/dip-coating.htm), published October 22, 2004. Claims 2-3, 5 and 18 have been canceled.

Claim 1, from which the other claims depend, is distinguished above as being patentable over Song. The dip-coating reference does not remedy the noted shortcomings of Song, particularly as the dip-coating reference does not teach or suggest a coating method that includes isothermally drying the device while the device remains in the solution held in the container. Thus, claim 1 is patentable over the combination of these references. The dependent claims include the elements of claim 1 and therefore are patentable for at least the same reasons. The dependent claims also include further distinguishing features. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 1-14, 16-18 and 48 under 35 U.S.C. §103(a) as unpatentable over Song (WO 2005/016399) in view of [www.science.unitn.it~gcsrnfo/facilities/dip-coating.htm](http://www.science.unitn.it/~gcsrnfo/facilities/dip-coating.htm), published October 22, 2004 and further in view of Kohnert et al. (WO 2003/043673). Claims 2-3, 5, 7, 10 and 18 have been canceled.

Claim 1, from which the other claims depend, is distinguished above as being patentable over Song in combination with the dip-coating reference. Kohnert et al. does not remedy the noted shortcomings of these references because Kohnert et al. describes a dip coating method in

which the object being coated is dried after removal from the coating solution. Indeed, Kohnert et al. report, at pages 6 and 7, a coating process in which a device is coated and then is subsequently dried outside of the coating solution.

Thus, claim 1 is patentable over the combination of these references. The dependent claims include the elements of claim 1 and therefore are patentable for at least the same reasons. The dependent claims also include further distinguishing features. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 15 under 35 U.S.C. §103(a) as unpatentable over Song (WO 2005/016399) in view of www.science.unitn.it/~gcsinfo/facilities/dip-coating.htm, published October 22, 2004 in view of Kohnert et al. (WO 2003/043673) and further in view of Lee et al. (U.S. Patent No. 5,571,523).

Claim 1, from which claim 15 depends, is distinguished above as being patentable over the combination of Song, the dip-coating reference and Kohnert et al. While Lee et al. is cited by the Examiner to suggest substitution of one antioxidant for another, Lee et al. does not teach or suggest a coating method that includes isothermally drying the device while the device remains in the solution held in the container. Therefore, Lee et al. does not remedy the noted shortcomings of these other references and thus claim 1 is patentable over the cited combination of all four references. Claim 15 includes the elements of claim 1 and therefore is patentable for at least the same reasons. Claim 15 also includes further distinguishing features. Favorable reconsideration is respectfully requested.

Conclusion

In conclusion, all of the claims remaining in this application are in condition for allowance. A prompt notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

FAEGRE & BENSON LLP

Dated: August 13, 2009

By: /Paul W. Busse/
Paul W. Busse
Reg. No. 32,403
612/766-7046
Customer No.: 25764

fb.us.4303482.01